

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1650.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: November 2, 2000
DATE OF REPORT: November 28, 2000
REQUEST FOR RECONSIDERATION: yes (revisions to original report are underscored)
DATE OF CLOSURE: February 21, 2001

COMPLAINT ISSUES:

Whether the Griffith Public Schools and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-10-2 with regard to the school's alleged failure to have a formal written system to provide general education intervention procedures for students whose classroom performance is adversely affecting educational outcomes during the 1999-2000 school year.

511 IAC 7-10-2 with regard to the school's alleged failure to implement the formal written system for general education intervention procedures when determining that the student did not require any general education interventions during the second semester of the 1999-2000 school year.

FINDINGS OF FACT:

1. The school submitted a variety of information regarding the school's written system for providing general education interventions (GEI), including a number of forms and the elementary school principal's ("Principal") summary of the procedures to be used in that school. However, the school did not submit any documentation identifying the criteria to be used when determining a student's need for GEI (e.g., decline in grades, inappropriate behaviors, skill regression, etc.), or how a parent initiates a request for general education interventions. The Principal indicated that a "student study" may be initiated by a parent or others and a "GEI request completed," but no written procedures were provided on how a parent initiates such a "study" or request. According to the school's special education evaluation procedures, GEI may result from a referral for a special education evaluation. However, there are no written procedures for a parent who only wishes to request GEI for the student and does not wish to request a special education evaluation.

In addition, the parent reports he asked the school principal for a copy of the building procedures for general education interventions, but was not given a copy. The director of special education states that the GEI procedures and forms are given annually to each building principal and special education staff person, but they are only given to parents upon a parent's request to the superintendent or the director of special education.

2. The parents state that due to the student's drop in grades during the second grading period of the 1999-2000 school year, they asked the student's teacher to initiate general education intervention services in January, 2000. The school concurs that the parent and the teacher met in January, 2000 to talk about how the student could be assisted with assignments, but disagrees that the parent requested GEI. The school asserts that had the parent requested GEI assistance, "the teacher would have had the parent complete the referral form." However, due to the student's

cumulative grade average, the director states school personnel did not consider the student in need of general education intervention services.

CONCLUSIONS:

1. 511 IAC 7-10-2 (a) requires a formal written system, to be implemented at the building level, for providing GEI procedures for students whose classroom performance is adversely affecting educational outcomes. The written system must include: criteria to be used to determine the student's need for interventions; procedures to be followed for the parent or others to request formal assistance; and a process for reviewing requests for assistance and designing interventions. Finding of Fact #1 reflects that the school's written formal system to provide GEI procedures during the 1999-2000 school year is incomplete. The system includes a variety of forms and the principal's memo indicates that a "TAT team" meets to evaluate the referral for GEI. However, there are no written criteria for determining the student's need for interventions, nor are there any written procedures describing the process to be used by a parent or others in requesting that a student's need for general education interventions be assessed. Therefore, a violation of 511 IAC 7-10-2 is found. However, because Article 7 no longer prescribes these elements as part of a formal written system for GEI procedures, corrective action will be limited to the current requirements of Article 7.
2. Finding of Fact #2 reflects that the school and the parents disagree about whether, during a meeting between the parents and the teacher in January, 2000, the parents requested GEI be implemented for the Student. The School states that if the parent had requested GEI, "the teacher would have had the parent complete the referral form." Finding of Fact #1 indicates that the school's written formal system for GEI does not contain any procedures describing how a parent is to request that the student receive GEI assistance. Further, Finding of Fact #2 indicates that school personnel determined the student did not require any GEI. In the absence of written criteria for determining a student's need for GEI, the basis of the school personnel's determination cannot be ascertained. Further, such a determination cannot be supported in the absence of a formal written system that meets the requirements of 511 IAC 7-10-2(a)(1) and (2). Therefore, a violation of 511 IAC 7-10-2 is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Griffith Public Schools and the Northwest Indiana Special Education Cooperative shall:

1. Review and, if necessary, revise the current general education intervention procedures to comply with 511 IAC 7-17-40 and 511 IAC 7-25-3(b). The Division defines "procedures" to include more than forms, and expects that such procedures will describe the protocol for things such as requesting assistance, determining the student's need for assistance, and designing interventions to be used. These procedures may be part of the special education evaluation process, but it must be made clear that a parent may request GEI services without having to request a special education evaluation. A copy of the GEI procedures must be submitted to the Division no later than January 31, 2001.
2. Upon the Division's acceptance of the GEI procedures, submit an assurance statement that all schools have received a copy of the procedures and that a copy has been provided to the complainant. The assurance statement shall be submitted no later than February 28, 2001.

